

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD OLIVER )  
Petitioner, )  
vs ) C.A. No. 08-11 Erie  
MICHAEL BARONE, et al )  
Respondent. )

REPORT AND RECOMMENDATION

AND NOW, this 22nd day of January, 2008, after Petitioner presented a petition for a writ of habeas corpus which he seeks leave to prosecute in forma pauperis, and it appearing that he has an average monthly balance of \$21.00 in his account at the institution which sum is far in excess of the \$5.00 filing fee required to commence this action, and it further appearing that requiring the petitioner to pay the filing fee will not deprive him of any necessities of life at the Institution,

It is recommended that leave to proceed in forma pauperis be denied. Petitioner must pay the filing fee before February 22, 2008, or risk dismissal of this case for failure to prosecute.

Petitioner shall have ten days in which to file objections to said Report and Recommendation. Failure to file timely objections may constitute a waiver of any appellate rights.

S/ Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
Chief United States Magistrate Judge